

APPENDIX A

	Obstructed Questioning	Obstruction	Fact to be Deemed Admitted
1	Whether a bridge is a danger to navigation. [Moore Dep. at 164:4-165:3; Baldassare Dep. at 180:10-181:2]	Speaking objection; instruction not to answer.	A bridge is a danger to navigation.
2	Whether good marine practice requires a tug crew to conduct a safety briefing before transiting bridges. [Baldassare Dep. at 176:2-7]	Instruction not to answer.	Good marine practice requires a tug crew to conduct a safety briefing before transiting bridges.
3	Whether Carver conducted a safety briefing before transiting the Belt Line's bridge on June 15, 2024. [30(b)(6) Dep. at 92:17-93:6]	Reference to all testimony and documents.	Carver did not conduct a safety briefing before transiting the Belt Line's bridge on June 15, 2024.
4	Whether Carver knows the speed of the tug at the time of the allision. [30(b)(6) Dep. at 67:4-68:15, 71:14-72:4]	Reference to all testimony and documents.	The speed of the tug at the time of the allision was 5.52 mph (see CARVER 000907).
5	Whether Carver trained and tested the M/T MACKENZIE ROSE crew, including its captains, on the proper way to transit under bridges. [30(b)(6) Dep. at 93:7-13, 94:4-95:16]	Speaking objection; reference to all testimony and documents.	Carver failed to train or test the M/T MACKENZIE ROSE crew, including its captains, on the proper way to transit under bridges.
6	Whether Carver trained James Morrissey, the operator of the tug on June 15, 2024, on the proper way to transit under bridges. [30(b)(6)Dep. at 93:14-23]	Reference to all testimony and documents.	Carver did not train James Morrissey, the operator of the tug on June 15, 2024, on the proper way to transit under bridges.

7	Whether a competent crew should avoid an allision with a stationary object like a bridge. [Moore Dep. at 356:2-21]	Instruction not to answer.	Carver's crew was incompetent at the time of the allision.
8	Whether Carver prohibits its tug operators from using autopilot when transiting bridges. [30(b)(6) Dep. at 90:2-91:15]	Speaking objection; reference to all testimony and documents.	Carver does not prohibit its tug operators from using autopilot when transiting bridges.
9	Whether James Morrissey was using the autopilot at the time of the allision. [30(b)(6) Dep. at 138:4-139:16, 142:17-21]	Speaking objection; reference to all testimony and documents.	James Morrissey was using the autopilot at the time of the allision.
10	Whether Carver trained the operators of the M/T MACKENZIE ROSE on June 15, 2024 on how to use the tug's autopilot system. [30(b)(6) Dep. at 97:18-98:25]	Speaking objection; reference to all testimony and documents.	Carver did not train the operators of the M/T MACKENZIE ROSE on June 15, 2024 on how to use the tug's autopilot system.
11	Whether Carver investigated and preserved the autopilot system on the M/T MACKENZIE ROSE after the allision. [30(b)(6) Dep. at 130:6-17, 154:17-157:11]	Speaking objection; reference to all testimony and documents.	Carver did not investigate or preserve the autopilot system on the M/T MACKENZIE ROSE after the allision, since doing so would have revealed Carver's knowledge of defects that caused the allision.
12	Whether Carver investigated a May 3, 2024 "near miss" report for the M/T MACKENZIE ROSE that, "rudder came hard over without alarm." [30(b)(6) Dep. at 152:2-153:4]	Speaking objection; reference to all testimony and documents.	Carver did not investigate a May 3, 2024 "near miss" report for the M/T MACKENZIE ROSE that, "rudder came hard over without alarm."
13	Whether Carver investigated a May 21, 2024 incident report for the M/T MACKENZIE ROSE of, "autopilot inducing a hard turn to port." [30(b)(6) Dep. at 153:8-154:8]	Reference to all testimony and documents.	Carver did not investigate a May 21, 2024 incident report for the M/T MACKENZIE ROSE of, "autopilot inducing a hard turn to port."

14	<p>Whether repairs to the M/T MACKENZIE ROSE on June 12-14, 2024 included the autopilot system.</p> <p>[30(b)(6) Dep. at 159:7-17]</p>	Reference to all testimony and documents.	Repairs to the M/T MACKENZIE ROSE on June 12-14, 2024 did not include the autopilot system.
15	<p>Whether failure of the autopilot system on the M/T MACKENZIE ROSE caused the tug to hit the bridge.</p> <p>[30(b)(6) Dep. at 138:4-142:21; Baldassare Dep. 89:14-90:1]</p>	Speaking objection; reference to all testimony and documents.	Failure of the autopilot system on the M/T MACKENZIE ROSE caused the tug to hit the bridge.
16	<p>Whether Carver's Safety Management System requires a lookout on a tug to ensure the safety of a bridge transit.</p> <p>[Baldassare Dep. at 171:17-174:4, 178:23-180:4]</p>	Speaking objection; instruction not to answer.	Carver's Safety Management System requires a lookout on a tug to ensure the safety of a bridge transit.
17	<p>Whether Carver ensured a lookout was posted on the M/T MACKENIZE ROSE on June 15, 2024 before transiting the Belt Line's bridge.</p> <p>[Baldassare Dep. at 183:11-17]</p>	Instruction not to answer.	Carver did not ensure a lookout was posted on the M/T MACKENIZE ROSE on June 15, 2024 before transiting the Belt Line's bridge.
18	<p>Whether the M/T MACKENZIE ROSE had a working radar at the time of the allision.</p> <p>[30(b)(6) Dep. at 164:7-18; 171:9-19]</p>	Reference to all testimony and documents.	The M/T MACKENZIE ROSE did not have a working radar at the time of the allision.
19	<p>Whether any alcohol test kits were on the tug at the time of the allision as required by Carver's policy.</p> <p>[30(b)(6) Dep. at 101:11-19]</p>	Reference to all testimony and documents.	No alcohol test kits were on the tug at the time of the allision as required by Carver's policy.
20	<p>Whether Carver performed any substance abuse testing of the crew after the allision.</p> <p>[30(b)(6) Dep. at 100:21-102:6]</p>	Reference to all testimony and documents.	Carver did not conduct any substance abuse testing of the crew after the allision.

21	<p>Whether reports of a “brush up against the fender system” of a bridge would be considered a “near miss” at Carver that requires reporting and investigation.</p> <p>[Baldassare Dep. at 130:19-132:6]</p>	Speaking objection; instruction not to answer.	<p>Reports of a “brush up against the fender system” of a bridge constitute a “near miss” at Carver and require reporting and investigation.</p>
22	<p>Whether Carver took appropriate steps to preserve and retain discoverable information after the allision, including mobile devices.</p> <p>[30(b)(6) Dep. at 21:17-26:14; Moore Dep. at 27:18-21, 338:14-341:7]</p>	Speaking objection; reference to all testimony and documents.	<p>Carver did not take appropriate steps to preserve and retain discoverable information after the allision, including mobile devices, since doing so would have revealed Carver’s knowledge of defects that cause the allision.</p>
23	<p>Whether Carver terminated Captain Miller’s employment after the allision.</p> <p>[30(b)(6) Dep. at 106:19-107:5; Moore Dep. 36:2-14]</p>	Instruction not to answer.	<p>Carver terminated Captain Miller’s employment after the allision.</p>